

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

**IN RE: BLAKE A. MITNICK, O.D.
 License No.: 0601-001168
 Compliance Report P95BAM**

AMENDED CONSENT ORDER

Now comes the Virginia Board of Optometry ("Board") and Blake A. Mitnick, O.D., and as evidenced by their signatures affixed below, enter into this Consent Order affecting the license of Dr. Mitnick to practice optometry in the Commonwealth of Virginia.

FINDINGS OF FACT

1. Blake A. Mitnick, O.D., holds license number 0601-001168 issued by the Board to practice optometry in the Commonwealth of Virginia.
2. An unannounced inspection of the optometry practice of Blake A. Mitnick, O.D., conducted by an inspector with the Department of Health Professions on April 17, 1995 pursuant to the terms of a Consent Order entered November 11, 1994, revealed that Dr. Mitnick's optometry practice is located within a commercial or mercantile establishment.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact #2 constitutes a violation of § 54.1-3205(A) and § 54.1-3215(15) of the Code of Virginia (1950), as amended.

CONSENT

Blake A. Mitnick, O.D., by affixing his signature hereon, agrees to the following:

1. He has been advised specifically to seek the advice of counsel prior to signing this document;

2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq of the Code of Virginia;

3. He has the following rights, among others:

- a. the right to an informal fact-finding conference before the Board;
- b. the right to representation by counsel; and
- c. the right to cross-examine witnesses against him.

4. He waives all rights to an informal hearing;

5. He admits the truth of the above Findings of Fact; and

6. He consents to the following Order affecting his license to practice optometry in the Commonwealth of Virginia.

ORDER

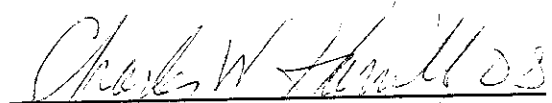
WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the optometry practice of Blake A. Mitnick, O.D., shall be in compliance with § 54.1-3205(A) and § 54.1-3215(15) of the Code of Virginia (1950), as amended within ninety (90) days from the date of entry of this Consent Order.

Further, the optometry practice of Blake A Mitnick, O.D., shall be subject to an unannounced inspection within six (6) months from the date of entry of this Consent Order to determine his compliance with the Code of Virginia (1950), as amended. Dr. Mitnick shall be solely responsible for the payment of the TWO HUNDRED DOLLAR (\$200.00) inspection fee to be paid to the Board within thirty (30) days of each such inspection. If said fee is not received within the prescribed deadline, an additional ONE HUNDRED DOLLAR (\$100.00) late fee shall be assessed weekly, up

to a maximum of ONE THOUSAND DOLLARS (\$1000.00). Failure to pay the full fee plus the additional assessment within one hundred (100) days of each inspection shall constitute grounds for an administrative proceeding. In the event that any such inspection reveals a possible violation of the laws or regulations pertaining to the practice of optometry in Virginia, or Chapter 32 of Title 54.1 of the Code of Virginia (1950), as amended, the Board specifically reserves the right to conduct further proceedings in this matter.

Pursuant to § 9-6.14:14 of the Code of Virginia, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

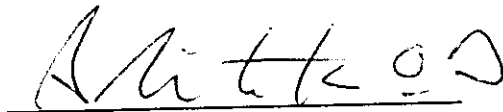
FOR THE BOARD:



Charles W. Harrell, O.D.
President

ENTERED: 1/31/96

SEEN AND AGREED TO:



Blake A. Mitnick, O.D.

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Martinsville

Subscribed and sworn to before me, a Notary Public in and for the city/county of Martinsville, this 26 day of January, 1996, by Blake A. Mitnick, O.D.

[Signature]

Notary Public

My Commission Expires:

My Commission Expires May 31, 1998

RECEIVED: Feb 1 1996

BY: [Signature]
John W. Hasty, Director
Department of Health Professions

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Blake A. Mitnick, O.D., at 240 Commonwealth Boulevard, Liberty Fair Mall, Martinsville, Virginia 24112, on the 26 day of February, 1996.

[Signature]

Elizabeth A. Carter, Ph.D.

Executive Director

Board of Optometry